

REMARKS

Claims 1-21 are pending and under consideration in the above-identified application. Claims 8-15 stand withdrawn from consideration pursuant to a restriction requirement.

In the Final Office Action dated August 5, 2010, the Examiner rejected claims 1-7 and 16-21.

With this Amendment, claims 1-3, 5, 16 and 20 were amended, claim 4 was cancelled and claim 22 was added. No new matter has been introduced as a result of the amendments. Support for the amendments can be found in Table 3 and pages 50 to 53.

I. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-5, 7 and 17-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (U.S. Patent No. 5,807,645).

Claims 1-5, 16 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsufumi et al. (JP 09-035,718).

Applicant respectfully traverses each of the above listed rejections.

The claims require an anode that includes a first gas adsorbing carbon material and a cathode mixture that includes a second gas adsorbing carbon material.

Neither Takeguchi et al. or Mistufumi et al. teach an anode with a first gas adsorbing carbon material and a cathode mixture that includes a second gas adsorbing carbon material as required by the claims. As such, Takeuchi et al. fails to teach all the required limitations of claims 1-5, 7 and 17-21. Thus, claims 1-5, 7 and 17-21 are patentable over the above cited reference. Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeuchi et al. (U.S. Patent No. 5,807,645) in view of Bannai (U.S. Patent No. 6,503,656) and/or EP 1063713. Applicant respectfully traverses this rejection.

As discussed above, Takeuchi et al. fails to teach all of the claim limitations of independent claim 1. Accordingly the combination of Takeuchi et al. with Bannai and/or EP 1063713 also fails to teach all of the claimed limitations of dependent claim 6 for at least the same reasons as discussed above. Thus, dependent claim 6 is patentable over the cited references. Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

III. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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